

REMARKS

Applicants acknowledge with appreciation the indication of allowable subject matter in claims 4, 5, 42, 44, 48-53 and 56-59. The allowable subject matter of claim 4 has been incorporated into the independent claim 1, and, thus, this application is in condition for allowance.

Status of the Claims

Claim 1 is amended to include the features of claim 4. Accordingly, claim 4 is cancelled.

Claims 1-3, 5, 40-44, 46, 48-53 and 56-59 remain pending in the application.

Objection to the Specification

The disclosure was objected to for informalities in the amended paragraph beginning page 5, line 20, i.e., the word "phosphor". This paragraph has been further amended as previously done in the amendment of July 22, 2008 in that "phosphor" has been replaced by "phosphorous". No new matter has been added to the specification by this amendment.

The disclosure was also objected to for the use of "phosphor" and defining hydro-ammonium phosphate as an "ion" in the amended paragraph of page 8, line 14. This paragraph has been further amended to replace "phosphor" with "phosphorous", and to not classify hydro-ammonium phosphate as an "ion", which

would have been known to one of ordinary skill in the art. No new matter has been added to the specification by this amendment.

The specification was objected to for not providing antecedent basis to the subject matter of claim 4 (specifically, a system having a pH of at least 7), which has now been added to claim 1. The Official Action points to by 37 CFR 1.75 (d) 1 and the first paragraph of MPEP 608.01(o).

The pH feature as now recited in claim 1 is an originally recited feature of claim 4. This feature does find clear support in the description so that the meaning of the system pH may be ascertainable by reference to the description, as required by 37 CFR 1.75 (d) 1 and the first paragraph of MPEP 608.01(o), which is applicable to the instant case, as the second and third paragraphs refer to amended or new claims.

As explained in the previously filed Amendment of July 6, 2009, page 9, lines 3-4 refer to the effect of the pH adjustment as controlling the equilibrium for deposition of apatite and katoite. Since any such deposition does not occur in the liquid per se, these particular lines from page 9 clearly relate to the system, and not simply to the liquid per se. Thus, the meaning of the system pH may be ascertainable by reference to the lines 3-4 in view of the pH values specified on page 9 lines 1-2.

Accordingly, pursuant to MPEP 608.01 (1), the paragraph beginning on page 8, line 14 of the specification has been

amended to explicitly refer to the "system" and the hydration liquid pH, e.g., as originally recited in claim 4 and 23, respectively. In view of the fact that claims 4 and 23 were original claims and for the reasons discussed above, this amendment to the specification does not add new matter.

Claim Rejections-35 USC §102

Claims 1-3, 40, 41, 43, 46 and 47 were rejected under 35 USC §102(b) as being anticipated by BROTHERS et al. U.S. 6,143,069 ("BROTHERS"). This rejection is respectfully traversed.

Independent claim 1 is amended to recite the features of claim 4, which were indicated as being allowable subject matter.

Therefore, as claim 1 and the claims depending from claim 1 are directed to allowable subject matter, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the amendments to the present application and the foregoing remarks, allowance of the present application is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert A. Madsen/

Robert A. Madsen, Reg. No. 58,543
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573

RAM/jr